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February 27, 2001

VIA FACSIMILE ONLY

The Honorable Andre M. Davis
United States District Court for the District of Maryland
Garmantz Federal Courthouse
101 W. Lombard Street
Fifth Floor, Room 520
Baltimore, MD 21201

APPROVED
Andre

Re: *James A. Shreve, et ux. v. Sears, Roebuck & Co., et al.*
Case Number: AMD 00CV2162

Dear Judge Davis:

This letter addresses the filing of motions for summary judgment. Defendants intend to file a motion for summary judgment. Plaintiffs also intend to file a motion for summary judgment. The Court recently extended the deadline for filing of any dispositive motions until March 1, 2001.

Since more than one party intends to file a motion for summary judgment, Mr. Perkins and I have discussed a briefing schedule. We have agreed that Defendants will file their motion for summary judgment first with Plaintiffs subsequently filing a cross-motion and opposition within fourteen days with subsequent filings consistent with the provisions of Local Rule 105.2.

I have been tied up with an asbestos trial in Hunt County, Texas since the beginning of last week. Because of that, and because of my uncertainty as to who would be filing first, Mr. Perkins agreed that if Defendants filed first, Plaintiffs would not object if Defendants needed a few extra days, up until Monday, March 5, 2001, for their filing. That is with the understanding that the fourteen-day period for Plaintiffs to file a cross-motion and opposition to Defendants' motion would commence upon the filing by Defendants.

Accordingly, I seek the Court's indulgence to allow, if necessary, a late filing, not to extend beyond March 5, of Defendants' motion for summary judgment. I do not believe that whether or not Defendants file on March 1, March 2 or March 5 will adversely affect the remainder of the pre-trial schedule for this case. However, due to the various outstanding and impending motions and the proximity of the May 7, 2001 trial date, I have agreed with Marshall Perkins that it will be

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The Honorable Andre M. Davis

February 27, 2001

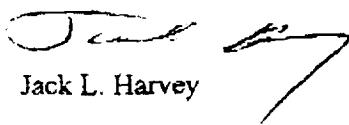
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difficult to have this case ready to be tried on May 7. Accordingly, I have indicated that Defendants will not oppose a continuance of the trial date if Plaintiffs pursue a continuance.

If necessary, on Wednesday, I will file an unopposed motion to extend the deadline for an initial filing by Defendants of a motion for summary judgment until March 5, 2001.

I appreciate the Court's indulgence on this matter.

Very truly yours,


Jack L. Harvey

JLH:lss

cc: Marshall Perkins, Esq. (Via Facsimile)

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